



PATENT
Attorney Docket No.: DIVER1280-17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Short et al. Art Unit: 1634
Application No.: 09/975,036 Examiner: C.J. Myers
Filed: October 10, 2001 Confirmation No.: 2400
Title: HIGH THROUGHPUT OR CAPILLARY-BASED SCREENING FOR A
BIOACTIVITY OR BIOMOLECULE

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

The undersigned, attorney of record for Petitioner, DIVERSA CORPORATION, with its place of business at 4955 Directors Place, San Diego, California 92121, represents that Petitioner is the Assignee of 100 percent interest in Application Serial No. 09/975,036, filed October 10, 2001, entitled HIGH THROUGHPUT OR CAPILLARY-BASED SCREENING FOR A BIOACTIVITY OR BIOMOLECULE as evidenced by an Assignment recorded on February 15, 2002 in the United States Patent and Trademark Office on Reel 012660, Frame 0503. The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignee.

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CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service with sufficient postage as first class mail on this date, May 6, 2004, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Gregory P. Austin
(Name of Person Mailing Paper)

Gregory P. Austin
(Signature)

May 6, 2004
(Date)

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, DIVERSA CORPORATION, disclaims the terminal part of any patent granted on the subject matter of the above-identified Application Serial No. 09/975,036, filed October 10, 2001, that would extend beyond the expiration date of U.S. Patent No. 6,174,673. Petitioner hereby agrees that any patent so granted on the above-identified application Serial No. 09/975,036, shall be enforceable only for and during such period that the legal title to the subject matter of said patent shall be the same as the legal title to U.S. Patent No. 6,174,673, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, DIVERSA CORPORATION, disclaims the terminal part of any patent granted on the subject matter of the above-identified Application Serial No. 09/975,036, filed October 10, 2001, that would extend beyond the expiration date of any patent that may be granted on U.S. Application No. 09/738,871, filed December 14, 2000. Petitioner hereby agrees that any patent so granted on the above-identified Application Serial No. 09/975,036, shall be enforceable only for and during such period that the legal title to the subject matter of said patent shall be the same as the legal title to any patent that may be granted on U.S. Application Serial No. 09/738,871, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, DIVERSA CORPORATION, disclaims the terminal part of any patent granted on the subject matter of the above-identified Application Serial No. 09/975,036, filed October 10, 2001, that would extend beyond the expiration date of any patent that may be granted on U.S. Application No. 09/685,432, filed October 10, 2000. Petitioner hereby agrees that any patent so granted on the above-identified Application Serial No. 09/975,036, shall be enforceable only for and during such period that the legal title to the subject matter of said patent shall be the same as the legal title to any patent that may be granted on U.S. Application Serial No. 09/685,432, this

In re Application of:
Short et al.
Application No.: 09/975,036
Filed: October 10, 2001
Page 3

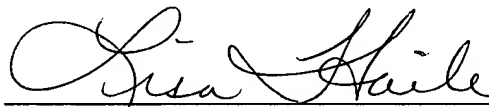
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Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Enclosed is Check No. 558792 in the amount of \$265.00, which consists of \$210.00 for the Two (2) Month extension of time fee and \$55.00 for the Terminal Disclaimer fee. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: May 6, 2004



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